

EXHIBIT 4

<p style="text-align: right;">9</p> <p>1 for the period from 1985 through 2003 in 2 the United States?</p> <p>3 A. I am.</p> <p>4 MR. STACK: Objection, 5 relevance and objection, foundation. 6 With respect to any refineries that do 7 not serve the Queens market, we would 8 object on the grounds of relevance. And 9 with respect to the location of these 10 refineries outside of those discussed in 11 Mr. Burke's report, we would object on 12 the grounds there's no adequate 13 foundation that's been laid with respect 14 to his personal knowledge of the facts 15 or circumstances relating to the 16 location or operation of any of those 17 facilities.</p> <p>18 BY MS. AMRON:</p> <p>19 Q. Let me see if I can lay 20 some foundation for your knowledge. 21 What is the basis for your 22 knowledge of the location of Exxon Mobil 23 refineries in the United States since 24 the period -- since 1985?</p>	<p style="text-align: right;">11</p> <p>1 the grounds that any of the testimony 2 relative to the refineries would call 3 for really the expression of an expert 4 opinion embodying specialized and 5 technical knowledge, and it is certainly 6 beyond the understanding of lay 7 witnesses and certainly beyond the 8 understanding of the percipient witness, 9 the apparent proffer for this witness 10 here. You are calling for an expert 11 opinion. We would object.</p> <p>12 You can proceed to answer.</p> <p>13 Q. You can proceed to answer.</p> <p>14 A. I have -- the answer is, 15 yes, I have looked at specific Exxon 16 Mobil facilities from the point of view 17 of where they are located; work I've 18 done in California, for instance, where 19 I looked at each of the refineries in 20 California, their characteristics, in 21 particular their gasoline production and 22 use of MTBE, and that included the two 23 Exxon Mobil refineries during this time 24 period.</p>
<p style="text-align: right;">10</p> <p>1 A. Well, in the course of 2 doing business and working with the 3 industry, one of the tools which I 4 maintain and my company maintains is our 5 databases, which include listings of all 6 refineries in the U.S., their locations, 7 their characteristics. During the 8 course of specific engagements, where 9 appropriate, if they require looking at 10 competitive situations of, say, the 11 relative size and complexity of 12 refineries of the Gulf Coast, Exxon 13 Mobil refineries would come up in that 14 kind of situation. So over the course 15 of my career, I have become familiar 16 with where Exxon's facilities are 17 located and generally their 18 characteristics.</p> <p>19 Q. And have you had the 20 opportunity to look at Exxon Mobil 21 refineries specifically in the United 22 States?</p> <p>23 MR. STACK: Objection, 24 again, relevance, and also objection on</p>	<p style="text-align: right;">12</p> <p>1 Q. And you mentioned a 2 database that your company keeps with 3 information about refineries. What do 4 you use that database for?</p> <p>5 MR. STACK: Objection, 6 relevance. Calls for an expert opinion.</p> <p>7 A. Well, it is a database 8 which is used for a variety of 9 activities. We -- I often will look at 10 market trends in the U.S., so that 11 includes supply and demand of refined 12 products including gasoline. So in 13 doing that, I need to look at the 14 underlying supply and refinery 15 capacities that exist in different parts 16 of the country. So there's a case where 17 the database would come into use.</p> <p>18 Q. And in the course of the 19 work that you've described, have you 20 become familiar with the refineries 21 owned by Exxon Mobil in the United 22 States from the period from 1985 to 23 2003?</p> <p>24 MR. STACK: Objection, calls</p>